

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEVEN WAYNE BONILLA,

Plaintiff,

v.

CHARLES H. ERVINE,

Defendant.

Case No. [18-cv-06080-VC](#) (PR)

**ORDER OF DISMISSAL WITH
PREJUDICE**

Plaintiff Steven Wayne Bonilla, a state inmate, has filed a *pro se* civil action under 42 U.S.C. § 1983 against Sierra County Superior Court Judge Charles H. Ervine and moves to proceed in forma pauperis. Bonilla has been disqualified from proceeding *in forma pauperis* under 28 U.S.C. § 1915(g) unless he is “under imminent danger of serious physical injury” at the time he filed his complaint. 28 U.S.C. 1915(g); *In re Steven Bonilla*, No. C 11-3180 CW (PR); *Bonilla v. Dawson*, No. C 13-0951 CW (PR).

The allegations in this complaint do not show that Bonilla was in imminent danger at the time of filing. Therefore, he may not proceed *in forma pauperis*. Moreover, even if the IFP motion were granted, his lawsuit would be barred under *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). Accordingly, the case is dismissed with prejudice.

Furthermore, this is not a case in which the undersigned judge’s impartiality might be reasonably questioned. *See United States v. Holland*, 519 F.3d 909, 912 (9th Cir. 2008) (absent legitimate reason to recuse himself or herself, judge has a duty to sit in judgment in all cases assigned to that judge).

The Clerk shall close the case. The Clerk shall return, without filing, any further documents Bonilla submits after this case is closed.

IT IS SO ORDERED.

Dated: October 29, 2018

A handwritten signature in black ink, appearing to read 'Vince Chhabria', written over a horizontal line.

VINCE CHHABRIA
United States District Judge